

REMARKS

Claims 15-18 have been added. Claim 11 has been amended. Thus, Claims 1-18 are pending in the present application.

Objection to the title:

Please replace the title with the following title:

“Modular System with Multi-drives and Multi-magazines for Storing Data”

Claim objection:

The Examiner objected to the term “the power supply” in claim 12 for lack of antecedent basis. Applicant cancelled this term from claim 12 to overcome this objection.

Claim rejection under 35 U.S.C. §102:

The Examiner rejected claims 1-4, 8, 10, and 12-14 under 35 U.S.C. §102(b) as being anticipated by Heller. Applicant respectfully disagrees. The present application includes limitations neither disclosed or suggested by Heller.

The independent claims 1 and 12 include the limitation that a carriage is adapted to travel on the elevator between the front and the rear chamber. Heller, on the contrary, comprises a completely different approach. According to Heller, the elevator comprises a carriage 400 which cannot move with respect to the elevator and is, thus, limited to travel along with the elevator in a single dimension as indicated with the arrow in figure 1 of Heller. Figure 4 shows the carriage which comprises pivotable gear mechanism 402 and 404 which can pivot around respective pivot axis 434 and 436. Thus, these gear mechanism 402 and 404 provide for a grip mechanism. However, the whole carriage assembly 400 is fixed with the elevator and no part of it can be moved between the front and the rear chamber. Thus, the system according to Heller provides for respective movement of the cartridges from the cartridge drive through an eject mechanism provided by the drive. See col. 5, lines 18-25. For handling transport from and to a cartridge magazine, Heller provides for magazines that are spring loaded. See col. 5, lines 36-45. Heller further describes the loading process in detail which includes no movement of the carriage. Rather, the gear mechanism 402 or 404 will grip a respective cartridge after it has been ejected by either the magazine or the drive and rollers integrated into the gear mechanism will

transport a cartridge into the cartridge for further transportation along the elevator axis. See in particular, col. 7, line 39 to col. 8, line 26. Thus, this kind of system only allows the arrangement of drives and magazines in a single plane.

On the contrary, the present invention requires that the carriage can be moved between the front and the rear chamber because the present invention is based on a different transportation principle which allows for easier expansion.

With respect to claim 2, 4 and 8, Heller does not provide for two modules as defined in the present invention. A module according to the present invention is a complete unit 102. Heller actually shows a combination of two units in figure 8. However, each unit comprises its own transport unit. Heller neither discloses nor suggests that a single transport unit can be extended to serve two or more modules. Therefore, Heller does not anticipate claim 2, 4 or 8.

With respect to claim 3, Heller does not provide for vertical guides. Figure 1 shows a top view of the multi drive arrangement. See col. 4, line 14-30. Thus, guides 116/118 are horizontal guides. Therefore, Heller does not anticipate claim 3.

The remaining dependent claims include all the limitations of the respective independent claims and are, therefore, patentable at least to the extent of the independent claims. Because the independent claims are clearly not anticipated by the prior art, Applicant would like to defer any discussions with respect to these dependent claims at this point.

Claim rejection under 35 U.S.C. §103:

The Examiner rejected claims 5-7, 9, and 11 under 35 U.S.C. §103(a) as being unpatentable over Heller. Applicant respectfully disagrees. As stated above, the independent claims include limitations neither disclosed or suggested by Heller.

Thus, these dependent claims include all the limitations of the respective independent claims and are, therefore, patentable at least to the extent of the independent claims. Because the independent claims are clearly not anticipated by the prior art, Applicant would like to defer any discussions with respect to these dependent claims at this point.

New claims

Applicant added new claims 15 to 18 to include a further limitation neither shown nor suggested by Heller. According to the present invention, the carriage is adapted to travel horizontally on the elevator. Thus, the carriage can be moved in a three dimensions to reach any necessary point within the housing. Therefore, drives and magazines are not limited to be arranged only within one plane but also can be stacked upon each other as for example shown in Figure 1 of the present application.

CONCLUSION

The application as defined in the pending claims is patentable under 35 U.S.C. §102 and §103 in view of the cited prior art. Therefore, applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 074623.0104.

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